

PRELIMINARY DRAFT

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CHAPTER 8020. POLK COUNTY FRESH WATER SUPPLY DISTRICT NO. 2

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CHAPTER 8020. POLK COUNTY FRESH WATER SUPPLY DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 8020.0001. DEFINITION. In this chapter, "district" means the Polk County Fresh Water Supply District No. 2. (Acts 75th Leg., R.S., Ch. 814, Sec. 1 (part); New.)

Source Law

Sec. 1. Polk County Fresh Water Supply District No. 2,

Revisor's Note

The definition of "district" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

Revised Law

Sec. 8020.0002. NATURE OF DISTRICT. The district is a municipal utility district converted from a fresh water supply district by Chapter 814, Acts of the 75th Legislature, Regular Session, 1997. (Acts 75th Leg., R.S., Ch. 814, Sec. 1 (part);

1 New.)

2 Source Law

3 Sec. 1. [Polk County Fresh Water Supply
4 District No. 2,] created under the authority of
5 Chapter 53, Water Code, is hereby converted to a
6 municipal utility district

7 Revisor's Note

8 Section 1, Chapter 814, Acts of the 75th
9 Legislature, Regular Session, 1997, provided that the
10 district was "created under the authority of Chapter
11 53, Water Code," and converted the district from a
12 fresh water supply district to a municipal utility
13 district. The revised law omits that language as
14 executed. For the reader's convenience, the revised
15 law adds a statement that acknowledges the conversion
16 of the district.

17 Revised Law

18 Sec. 8020.0003. DISTRICT TERRITORY. (a) The district's
19 boundaries are those confirmed by Section 3, Chapter 814, Acts of
20 the 75th Legislature, Regular Session, 1997, as those boundaries
21 may have been modified under:

- 22 (1) Subchapter J, Chapter 49, Water Code;
23 (2) Subchapter H, Chapter 54, Water Code; or
24 (3) other law.

25 (b) The confirmation of boundaries described by Subsection
26 (a):

27 (1) does not enlarge or diminish the district as it
28 existed on September 1, 1997; and

29 (2) includes the property in the district that was
30 being served or taxed on September 1, 1997. (Acts 75th Leg., R.S.,
31 Ch. 814, Sec. 3 (part); New.)

32 Source Law

33 Sec. 3. The boundaries of Polk County Fresh
34 Water Supply District No. 2 are hereby confirmed as
35 follows:

36 . . .
37 This confirmation of boundaries does not enlarge or
38 diminish the district as it exists and includes the

1 property in the district that is being served or taxed
2 on September 1, 1997.

3 Revisor's Note

4 The revision of the law governing the district
5 does not revise the statutory language describing the
6 territory of the district to avoid the lengthy
7 recitation of the description and because that
8 description may not be accurate on the effective date
9 of the revision or at the time of a later reading. For
10 the reader's convenience, the revised law includes a
11 reference to the statutory description of the
12 district's territory and references to authority to
13 change the district's territory, including: (1)
14 Subchapter J, Chapter 49, Water Code, applicable to
15 the district under Sections 49.001 and 49.002 of that
16 chapter and (2) Subchapter H, Chapter 54, Water Code,
17 applicable to the district after the district was
18 converted to a municipal utility district governed by
19 Chapter 54 of that code (see Sections 54.034 and 54.035
20 of that code and Section 8020.0002). The revised law
21 also includes a reference to the general authority of
22 the legislature to enact other laws to change the
23 district's territory.

24 Revised Law

25 Sec. 8020.0004. DISTRICT NAME CHANGE. The district's board
26 of directors may change the name of the district in an open meeting
27 for which proper notice has been given. (Acts 75th Leg., R.S.,
28 Ch. 814, Sec. 2.)

29 Source Law

30 Sec. 2. The name of the district remains the
31 same but may be changed by a majority of the board of
32 directors acting in an open meeting for which proper
33 notice has been given.

34 Revisor's Note

35 (1) Section 2, Chapter 814, Acts of the 75th
36 Legislature, Regular Session, 1997, refers to "the

1 name of the district" remaining "the same" because the
2 district was being converted by the act. The revised
3 law omits "remains the same but" because the
4 conversion of the district has been executed and the
5 distinction is no longer required.

6 (2) Section 2, Chapter 814, Acts of the 75th
7 Legislature, Regular Session, 1997, provides that the
8 name of the district may be changed by "a majority of
9 the board of directors." The revised law omits "a
10 majority of" because it duplicates in substance
11 Section 49.053, Water Code, which provides that a
12 majority of the board of directors may transact
13 district business.

14 SUBCHAPTER B. POWERS AND DUTIES

15 Revised Law

16 Sec. 8020.0051. MUNICIPAL UTILITY DISTRICT POWERS. (a)
17 Except as provided by Subsection (b), the district has the rights,
18 powers, privileges, and functions conferred by Chapter 54, Water
19 Code.

20 (b) The district may not exercise any authority with regard
21 to firefighting or to municipal solid waste disposal. (Acts 75th
22 Leg., R.S., Ch. 814, Sec. 1 (part).)

23 Source Law

24 Sec. 1. [Polk County Fresh Water Supply
25 District No. 2, . . . is . . . a municipal utility
26 district] acting under Chapter 54, Water Code, and has
27 the rights, powers, privileges, authority, and
28 functions conferred by Chapter 54, Water Code, except
29 as provided by this Act. The district may not exercise
30 any authority with regard to fire-fighting or to
31 municipal solid waste disposal.

32 Revisor's Note

33 Section 1, Chapter 814, Acts of the 75th
34 Legislature, Regular Session, 1997, refers to "rights,
35 powers, privileges, [and] authority" of the district.
36 The revised law omits "authority" as included in the
37 meaning of "powers."

Revisor's Note
(End of Chapter)

Section 4, Chapter 814, Acts of the 75th Legislature, Regular Session, 1997, provides for the continuity of service for directors serving on August 31, 1997, related to the conversion of the district. The revised law omits that provision as executed. The omitted law reads:

Sec. 4. A director of the district serving on August 31, 1997, is a director of the converted district on September 1, 1997, and shall serve until the term for which the director was elected expires.